

# **R.I. STATE BOARD OF ELECTIONS**

## **MINUTES OF MEETING**

**WEDNESDAY, MARCH 16, 2016**

The Rhode Island State Board of Elections convened at 7:05 P.M. at the Rhode Island Board of Elections, a quorum included, Acting Chairman William West, Commissioners Richard Dubois, Stephen Erickson, Martin Joyce, Richard Pierce and Frank Rego. Legal Counsel Raymond Marcaccio and Executive Director, Robert Kando were also in attendance.

The meeting was called to order by Acting Chairman West:

- 1. The Board may vote to approve the minutes of the meeting held on Wednesday, February 3, 2016.**

A motion was made to approve the minutes of the meeting held on February 3, 2016. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

- 2. The Board may vote to approve a revised 2016 meeting schedule for the Board of Elections to be posted on the Secretary of State Open Meetings website.**

A motion was made to approve the revised 2016 meeting schedule for the Board of Elections. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

- 3. The Board may vote on the appeal of fines by Harold E. Hatfield III pursuant to RIGL 17-25.**

Harold E. Hatfield, III appeared before the Board regarding his fine and fees. Mr. Hatfield sent a correspondence dated March 4, 2016 explaining his failure to comply with campaign filing pursuant to RIGL 17-25-11. After a discussion and questioning a motion was made to waive all fines and fees for Harold E. Hatfield, III. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

- 4. The Board may receive an update report from Rob Rock, Director of Elections from the Office of the Secretary of State regarding the status of the new voting equipment.**

Rob Rock, Director of Elections from the Office of the Secretary of State reported that the current voting equipment will be used for the Presidential Preference Primary and that the Governor did include money for new voting equipment in her proposed budget for FY 2017 so they will be moving forward with new equipment for the September primary and the Presidential Election in November. He reported that they received 7 proposals for the electronic poll books and the committee, which includes Bob Rapoza, Director of Elections from the Board

of Elections, is in the process of evaluating the selection. The Governor's proposed budget did not include the purchase of electronic poll books but did identify that if the May revenue estimates come back higher than expected that the General Assembly should consider as one of their items, the funding of the electronic poll books. If the funding is available the committee will move forward with the purchasing for September and November.

- 5. The Board may receive a report from Campaign Finance concerning all fine waivers and appeals approved by Board staff from July 1 through December 31, 2015 with a summary of all appeals, all waivers granted, and all waivers denied, showing the name of the individual or entity requesting the waiver, the amount owed, the amount waived, whether a waiver was denied and the reasons for granting or denying each waiver request.**

Richard Thornton, Director of Campaign Finance presented a report for the period July 1, 2015 thru December 31, 2015 on the number of reports that were due during that period and the percentage of late campaign filers. After a discussion regarding the need to reduce the percentage of late filers a motion was made to accept the report presented by Richard Thornton, Director of Campaign Finance. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce Pierce and Rego. Motion passed 6-0.

- 6. The Board may receive a report from Richard Thornton, Director of Campaign Finance concerning the handling of campaign finance accounts of deceased candidates.**

The Board received a report from Richard Thornton, Director of Campaign Finance regarding examples of deceased candidates and the dissolution of their campaign accounts. After a discussion the board recommended that Richard Thornton, Director of Campaign Finance and Raymond Marcaccio, Legal Counsel develop a form with instructions for dissolution of a campaign finance account in the event of a candidate's death. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

- 7. The Board may discuss and vote to promulgate a regulation or introduce legislation that sets forth the procedure for dissolving campaign finance accounts of deceased candidates.**

The Board discussed the procedure for dissolving campaign finance accounts of deceased candidates. After a discussion, a motion was made that Legal Counsel Raymond Marcaccio in cooperation with the Executive Director, prepare language for a regulation and any necessary forms for a regulation regarding the handling of campaign finance accounts of deceased candidates to be presented to the Board for approval. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

- 8. The Board may discuss and vote to promulgate a regulation or introduce legislation that addresses the status of a ballot cast prior to the primary or Election Day where the voter dies before the certification or tabulation of the ballot.**

After a lengthy discussion the board requested that Raymond Marcaccio, Legal Counsel speak with the Office of the Secretary of State and share his research on a ballot cast prior to the

primary or Election Day where the voter dies before the certification or tabulation of the ballot and if nothing happens legislatively by July, move for regulation.

- 9. The Board may discuss and vote to promulgate a regulation or introduce legislation that restricts campaign activity or disqualifies a candidate who has violated the campaign finance requirements of Title 17 of the General Laws.**

After a discussion, Raymond Marcaccio, Legal Counsel recommended that changes should be by modifications to the statute versus regulation. A motion was made to submit proposed language to legislation this session. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

- 10. The Board may vote to receive a report from the staff on the status of bills introduced in the General Assembly relating to elections and campaign finance.**

After review of the report from the staff on the status of bills introduced in the General Assembly, a motion was made that the Executive Director be required to submit, on a bi-weekly basis to all Board Members, a report concerning all contacts by staff with the General Assembly, all appearances before the General Assembly, the substance of all testimonies and all conversations regarding the status of legislation every 2 weeks and reviewed monthly by the Board. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson and Rego. Abstaining were Commissioners Joyce and Pierce. Motion passed 4-0-2.

- 11. The Board may discuss and vote upon the authority of the Executive Director to propose changes or support amendments to the legislation introduced on behalf of the Board before the General Assembly.**

After a lengthy discussion, a motion was made that Raymond Marcaccio, Legal Counsel be our representative for legislation and all activities with regards to any modifications regarding legislation introduced on behalf of the Board before the General Assembly. Before the vote was taken, Commissioners Pierce and Joyce exited the meeting. Voting in the affirmative were Commissioners Dubois, Erickson and Rego, Acting Chairman West abstained. Motion passed 3-0-1.

- 12. The Board shall announce its vote taken during the December 9, 2015 executive session to settle the matter of *Andreza Skipworth v State of Rhode Island Board of Elections and Robert Kando*, RICHR No. 15ERA087-06-06, EDOC No. 16J-2015-0027.**

The Board announced that at the Executive Session of the Board on December 9, 2015, the Board voted for a settlement to be paid not to exceed \$115,000.00 in the matter of *Andreza Skipworth v State of Rhode Island Board of Elections and Robert Kando*, RICHR No. 15ERA087-06-

06,EDOC No. 16J-2015-0027. Voting in the affirmative for the payment were Acting Chairman West, Commissioners Dubois, Erickson, Joyce, Pierce and Rego. Motion passed 6-0.

**13. The Board may vote to meet in executive session pursuant to R.I.G.L. 42-46-5(a)(4) and 17-25-5(a)(7)(i) to discuss and/or vote on possible violations of campaign finance laws in one (1) campaign finance matter.**

A motion was made to meet in executive session pursuant to R.I.G.L. 42-46-5(a)(4) and 17-25-5(a)(7)(i) to discuss and/ or vote on possible violations of campaign finance laws in one(1) campaign finance matter. Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson and Rego. Motion passed 4-0.

**14. The Board may vote to meet in executive session to discuss a personnel matter concerning Executive Director Robert Kando, pursuant to R.I. Gen. Laws §42-46-5(a)(1).**

A motion was made to meet in executive session to discuss a personnel matter concerning Executive Director Robert Kando, pursuant to R.I.G.L. §42-46-5(a)(1). Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson and Rego. Motion passed 4-0.

**15. The Board may vote to meet in executive session to discuss a personnel matter concerning Robert Rapoza, Director of Elections, pursuant to R.I. Gen. Laws 42-46-5(a)(1).**

A motion was made to meet in executive session to discuss a personnel matter concerning Robert Rapoza, Director of Elections, pursuant to R.I.G.L. 42-46-5(a)(1). Voting in the affirmative were Acting Chairman West, Commissioners Dubois, Erickson and Rego. Motion passed 4-0.

The Board moved to executive session at 9:10 P.M.  
The Board reconvened at 10:13 P.M.

**16. The Board may vote to increase the salary of Robert Rapoza, Director of Elections, for the period of time that he served in the capacity as Acting Executive Director.**

The Board voted in executive session to increase the salary of Robert Rapoza, Director of Elections for the period of time that he served in the capacity of Executive Director from February 1, 2016 thru February 19, 2016. The increase is in accordance with the 3 day rule through the Office of Personnel with the State of Rhode Island. Voting in the affirmative for the increase were Acting Chairman West, Commissioners Dubois, Erickson and Rego. Motion passed 4-0.

**17. The Board may vote on the employment status of Executive Director Robert Kando.**

The Board voted in executive session to suspend Executive Director, Robert Kando, without pay for a 30 work day period beginning March 21, 2016 through April 29, 2016. Voting in the affirmative for the suspension were Acting Chairman West, Commissioners Dubois, Erickson and Rego. Motion passed 4-0.

**The next regular Board Meeting was set for Wednesday, April 27, 2016 at 7:00 P.M. A motion was made to adjourn at 10:20 P.M. Voting to adjourn was Acting Chairman West, Commissioners Dubois, Erickson and Rego. Motion passed 4-0. Meeting adjourned.**